limitation, however, non-LNP-capable carriers would not truly be able to "participate" in number pooling in any meaningful way.

Requiring non-LNP-capable carriers to use Type 1 interconnection, and only Type 1 interconnection, would be extremely discriminatory and contrary to the 1996 Act and the Commission's numbering policies. This is particularly true because the wireless industry as a whole is moving towards the use of Type 2 interconnection, which is generally more efficient than Type 1 interconnection.[20] Limiting available interconnection models in the name of number optimization would truly be letting the tail wag the dog, particularly when no long-term benefits will be gained.

PCIA submits that no number utilization measure should ever be adopted if it limits the way in which carriers are able to interconnect. This position is consistent with, and indeed required by, the 1996 Act and the Commission's numbering policies, and is supported by widespread industry consensus. For this reason, CMRS carriers should not be required to participate in number pooling until they can port numbers, because they would not be able to provide services in the same way as they can in a non-pooling environment or as LNP-capable carriers can in a pooling environment.

Moreover, if number pooling for wireless carriers were implemented prior to LNP, there could only be one wireless carrier in each rate center (because software cannot make the translations necessary to support two or more wireless carriers in one rate center), and that wireless carrier must be the code holder and its switch must be LRN-capable. Further, only

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[20] Moreover, many interconnection agreements between ILECs and CMRS carriers require CMRS carriers to move away from Type 1 interconnection over time.

uncontaminated 1000 blocks could be used. PCIA submits that none of these conditions is acceptable, and therefore number pooling cannot be implemented prior to LNP.

C. Non-Pooling Carriers Must Utilize Numbers As Efficiently As Pooling Carriers

PCIA supports CTIA's proposal to set the minimum utilization threshold at 60% initially and to increase to 70% over time.[21] For purposes of meeting the utilization threshold, utilization must be measured at the rate center level. PCIA believes that all carriers can equally share the burden of using numbering resources efficiently if the same minimum utilization threshold applies to both carriers who can participate in number pooling and those who cannot.

This number utilization standard would apply to requests for new NXXs in a particular rate center. In addition, PCIA supports allowing carriers to receive codes when they have less than this utilization rate if: (1) they can show that they will need the code within the ordering interval; and (2) certain recently acquired codes are discarded for purposes of calculating the utilization rate.

VII. THE COMMISSION SHOULD AUTHORIZE NANPA TO BE THE SOLE COLLECTOR OF NUMBERING DATA

There is a growing trend among the states to request additional information directly from carriers about their utilization of numbering resources. Although some states request information on a voluntary basis, most state commissions subpoena carriers and threaten sanctions for non-compliance. The requests rarely if ever provide for any protection of the confidential and proprietary information that carriers must divulge to comply with the requests. Moreover, the requests often seek different information, or information in a different format,

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[21] CTIA Comments at 10-12.

than the COCUS. Finally, in many instances, these requests are sent to the wrong office, or to the wrong employees, which delays timely responses.

The burden imposed by these individual state data requests is enormous. Many carriers have developed software to assist them in gathering the information necessary to comply with the COCUS reporting requirements on a nationwide basis. However, requests for data by states for different information or information in a different format than the COCUS cannot be gathered from software designed to comply with COCUS. Consequently, carriers must manually gather data to comply with these requests.

The differences between the individual state requests are striking. For example, requests that seek the same information as the COCUS require different degrees of granularity. Many requests seek information not required for COCUS. Individual requests are often based on unique or ambiguous definitions of the status of numbers. Some requests require response within less than one week.[22] Various requests seek information dating back to 1990, which carriers frequently did not record in the granularity requested, if at all.[23] Other requests impose sanctions for non-compliance.[24] Several requests ask for quarterly forecasts for the upcoming year(s).[25] Each of these differences pose unique problems for carriers forced to respond to individual data requests.

The following examples of state data requests that PCIA members have received illustrate the differences between various data requests:

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22 *See, e.g.*, data requests from Illinois and Massachusetts attached hereto.

23 *See, e.g.*, data request from Tennessee attached hereto.

24 *See, e.g.*, data requests from Illinois, Massachusetts and Pennsylvania attached hereto.

25 *See, e.g.*, data requests from Tennessee, Illinois, Massachusetts, Pennsylvania and Texas attached hereto.

- Tennessee. On July 9, 1999, the Tennessee Regulatory Authority required carriers to provide the following information to the National Regulatory Research Institute no later than August 13, 1999:

  1. Total telephone numbers in use by the company in the NPA.
  2. Projected average monthly growth of assigned telephone numbers.
  3. Total numbers of NXXs assigned by Rate Center (List).
  4. For 1990 to Present list the date each NXX was assigned and the total NXXs assigned prior to 1990.
  5. List NXXs and percentage of current use by your company (NXX in use is defined as having one or more numbers assigned out of the 10,000 available).
  6. Projected average monthly growth of assigned numbers in each rate center.
  7. List rate centers that are LNP capable.
  8. Total number of NXXs with less than 10% contamination (contamination is defined as individual telephone number assignments), including the total 1000 blocks uncontaminated (uncontaminated is defined as having all numbers in the 1000 block unassigned), and the total 1000 blocks with less than 10% contamination.
  9. Total number of NXXs with less than 45% contamination, including the total 1000 blocks uncontaminated, and the total 1000 blocks with less than 10% contamination.
  10. Carriers were also required to send a check for $100 to cover the costs of data analysis.

  A copy of the data request is attached.

- Illinois 1. On July 9, 1998, the Illinois Commerce Commission ordered carriers to provide the following information by July 10, 1998:

  1. The quantity of codes, by wireline and wireless, that were assigned by the Number Administrator prior to April 1, 1998 that have not yet been activated.
  2. The reason those codes have not been activated.
  3. The quantity of codes, by wireline and wireless, that have been returned to the Number Administrator since jeopardy was declared in the 847 NPA.
  4. A count of telephone numbers unavailable for assignment within each block of 1000 numbers assigned to each NXX code in the company's possession. A telephone number is considered unavailable for assignment if its is: (a) assigned to an end user; (b) reserved for an end user; (c) used for testing; (d) in aging; or (e) "otherwise unassignable."

  Wireline carriers were also required to provide:

5. The information that was provided to the pooling administrator regarding blocks that the company agreed to donate to the number pools.
6. A report, by rate center, of the quantity of thousand blocks the company has in the 847 NPA with no numbers assigned.
7. A report, by rate center, of the quantity of thousand blocks the company has in the 847 NPA with 100 or fewer numbers assigned.

A copy of the data request is attached.

- Illinois 2. On February 9, 1999, the Illinois Commerce Commission ordered carriers to provide the following information by March 12, 1999:

1. A count of telephone numbers unavailable for assignment within each block of 1000 numbers assigned to each NXX code in a carrier's possession. A telephone number is considered unavailable for assignment if its is: (a) assigned to an end user; (b) reserved for an end user; (c) used for testing; (d) in aging; or (e) "otherwise unassignable." Carriers shall provide the data in Microsoft Excel 97/95 workbook file with one row for each NPA-NXX. The first column should identify to which NPA each NXX is assigned. The second column should identify the NXX being reported on. The third column should identify to which rate center each NXX is assigned. The fourth column should identify the date of activation of the NXX. The fifth column should identify the NXX-0 block. The sixth through the fourteenth columns should identify the NXX-1 through –9 blocks. The date on which these counts were made should also be supplied. The data should be collected by all carriers for each calendar quarter and continually supplied throughout the length of this docket within three weeks of the conclusion of each quarter.
2. Forecast data by thousand block and rate center for wireline carriers, and by 10,000 block and rate center for wireless carriers, for the upcoming eight quarters. The first quarter for which forecast data shall be supplied shall be the first quarter of 1999. The data should be collected by all carriers for each calendar quarter and continually supplied throughout the length of this docket within three weeks of the conclusion of each quarter.
3. For each NXX assigned to a carrier, including NXX codes not yet registered on the LERG, the identification of the rate center the NXX is associated with, and the date that the NXX was activated. The data should be collected by all carriers for each calendar quarter and continually supplied throughout the length of this docket within three weeks of the conclusion of each quarter.

A copy of the data request is attached.

- Massachusetts. On June 8, 1998, the Massachusetts Department of Telecommunications and Energy sent a Subpoena Duces Tecum to carriers requiring them to provide the following information by June 12, 1998:

1. The number of exchange codes the company currently holds in the 617, 508, 978 and 781 area codes.
2. For each exchange code, how many thousands blocks currently free (*i.e.*, not being used by or assigned to customers).
3. For each thousands block in each exchange code, how many numbers are currently being used by or assigned to customers, including a list of all phone numbers in use or assigned to customers for each thousands block.
4. The forecasted need for exchange codes in the 617, 508, 978 and 781 area codes for the period beginning now until January 2002, broken down by three month periods.
5. The forecasted need for thousands blocks for the period beginning now until January 2002, in the 617, 508, 978 and 781 area codes, broken down by three month periods.

A copy of the data request is attached.

- Pennsylvania. On May 30, 1997, the Pennsylvania Public Utility Commission ordered carriers to provide the following information by September 30, 1997:

  1. The number of telephone numbers currently being used by the company in each NXX-X block of 1,000 numbers within the NXX code(s) assigned to the company for the 215, 412, 610, 717, and 724 area codes. A telephone number is considered being used if it is: a) assigned to an end user; b) specifically allocated to an end user; or c) used for testing. Carriers must show separate 1,000 blocks for each NXX that is assigned to the company and the use of each block.
  2. The estimated future telephone number demand by 1,000's block, or NXX code where appropriate, for each rate center (including for all rate centers where telephone number demand is projected, including rate centers where you have no telephone number assignments today).
  3. The quantity of NXX-X blocks of 1,000 numbers that can be returned to the Neutral Code Administrator for reassignment.

  A copy of the data request is attached.

- Texas 1. On September 4, 1997, the Public Utility Commission of Texas required carriers to provide the following information by September 30, 1997:

  1. The number of NXX-XXs assigned to and currently in use by an end user per one thousand block.
  2. The number of NXX-XXs unavailable per one thousand block. If a telephone number is not assigned to and currently in use by an end user, but is considered by the company to be otherwise "unavailable" for assignment, the company must specify exactly why those telephone numbers are unavailable, and for how long the numbers will remain unavailable.

3. For each rate center where the company is assigned an NXX, the number of NXX-XXs the company expects to activate for each quarter beginning with the 4th quarter of 1997 through the 4th quarter of 1999.

A copy of the data request is attached.

- Texas 2. On June 15, 1998, the Public Utility Commission of Texas required carriers to provide the following information by July 1, 1998 (512), July 6, 1998 (713 and 281), July 8, 1998 (409), July 10, 1998 (214 and 972), July 14, 1998 (817), and July 17, 1998 (210).

  1. For each rate center that the company is assigned an NXX, identify the NXX and provide the information by thousand number block. Each NXX should have its own data file and the rate center name exactly as it appears in the provided table.
  2. The thousand number block forecast for each NXX beginning with the third quarter of 1998 and ending with the fourth quarter of 1999. Those carriers that are not LNP capable and will require whole NXX's should enter how many full NXX's you will need in each rate center.
  3. Carriers must track the number of service orders issued each month that involve an addition/change of telephone numbers (see attached form).

  A copy of the data request is attached.

These requests are representative of the differing individual data requests that PCIA members have received from various state commissions.

Individual and unique data requests from state commissions impose costs on carriers for compliance, including the costs for labor and for diverting existing staff from other priorities. For example, some PCIA members need more than double the time to prepare a response to a special request from a state commission than to a COCUS request. Moreover, carriers that operate in multiple states frequently must hire additional staff solely to respond manually to individual and unique data requests from various states. Some PCIA members believe that they will have to double the staff assigned to numbering resource management simply to comply with individual state data requests.

There is also no guarantee that information provided to states will receive confidential treatment. This forces carriers to decide whether to comply and risk disclosure of sensitive information or to refuse to answer the data request which could lead to sanctions or damage the carrier's relationship with the state commission. Neither choice is acceptable to carriers that wish to comply with state requirements and protect their confidential and sensitive information. Finally, in the case of many CMRS carriers, which are not regulated by state commissions, the carrier has to employ local counsel and incur additional expenses.

PCIA urges the Commission to authorize NANPA to be the sole collector of numbering data, and clarify that states have no authority to request numbering utilization data from individual carriers. States and all other interested parties should request information directly from NANPA. PCIA supports efforts to revise the reporting requirements so that the states can get all the information that they need from NANPA. Moreover, PCIA supports mandatory reporting requirements using the Hybrid model on a semi-annual basis. Finally, because of the confidential and sensitive nature of this information, NANPA should only release the information on an aggregate basis without identifying the source.

The benefits from consolidating all reporting requirements under NANPA are multifold. First, carriers will be able to optimize their reporting systems to comply with the single reporting requirements, which will reduce costs. Second, states will no longer have to expend resources to receive the information they need about numbering issues. Third, the information gathered will be much more accurate, and the uniformity of the information will allow NANPA, the Commission and the states to see numbering trends on a national level, or to compare numbering usage patterns in a particular state with those in other states across the nation. Fourth, carriers will not have to spend scarce resources by hiring additional employees

and local regulatory counsel simply to respond to individual state request or track multiple and conflicting requests. Finally, carriers will have increased incentives to comply with the reporting requirements because they can be assured that the information will receive confidential treatment.

VIII. THE COMMENTS REFLECT UNIVERSAL OPPOSITION TO PAYMENT FOR NUMBERING RESOURCES

PCIA concurs with the broad consensus that carriers should not be required to pay for numbering resources.[26] Payment for numbering resources is not a valid means of number optimization or allocation. In addition to the practical and economic problems, requiring payment for numbering resources raises significant legal issues. PCIA submits that it would not be consistent with the 1996 Act to require carriers to pay for numbering resources. The 1996 Act is premised on the idea of fostering competition and tearing down market entry barriers. Requiring carriers to pay for numbering resources would create new entry barriers, inhibit competition, and discriminate against various classes of carriers and consumers.

Economic theory posits that the highest use of a resource may be to deny it to competitors. Any payment scheme will create incentives for large, well-funded carriers to inhibit competition by buying all the number resources so their less well-funded competitors will fail. In addition, not all uses of numbers can be valued equally. For example, a higher revenue service, such as broadband PCS ($50 average monthly revenue per unit), will support a higher cost per number than a lower revenue service, such as the paging ($9 average monthly revenue

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[26] *See, e.g.,* Ameritech Comments at 53-57; AT&T Comments at 61-63; Bell Atlantic Comments at 6-7; Choice One and GST Comments at 5; GTE Comments at 60-63; Liberty Comments at 6; MCI WorldCom Comments at 48-50; NEXTLINK Comments at 21-24; Omnipoint Comments at 31-34; Qwest Comments at 6-7; Time Warner Comments at 22-23; USTA Comments at 12; WinStar Comments at 38-41.

per unit). The Commission cannot and should not discriminate between telecommunications carriers or services in this fashion.

CONCLUSION

For the foregoing reasons, PCIA respectfully requests the Commission first to require rate center consolidation to the greatest extent feasible, and then to explore number optimization means that are consistent with the PCIA Blueprint for Efficient Number Utilization attached to PCIA's comments. The Commission should adopt mandatory national numbering rules and guidelines governing the allocation and use of numbering resources. In any event, the Commission's primary goal should be to provide carriers with adequate numbering resources to satisfy consumer demand.

Respectfully submitted,

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